HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 103 OF 2002.

Mrs. Mohini Kamalakar Mahajan. ..Petitioner.

Versus.

1. The Head Master, GEL's High School,
2. The Secretary General Education Institute, Chabildas High School,
3. The Education Officer, ZP, Thane.
4. The State of Maharashtra. ..Respondents.

Mr. P.M.Pradhan for the respondent No.2.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: APRIL 7, 2005.

P.C.

1. Both Advocates are present and both parties are also present. The Minutes of Order duly signed by both the parties, except the Government, are tendered. They are taken on record and marked "X" for identification.

2. The main dispute is between the management of the school and the petitioner. That dispute has been settled amicably by the parties in terms of the present Minutes of Order. The Petitioner has been granted reinstatement from 1st June 2005 with a continuity of service from 1st September 1995. Therefore, her pay and

salary will be fixed on re-instatement taking into consideration her continuous service. Only to the extent of the back-wages of the petitioner, the respondent-institution has not taken the responsibility to pay the same. However, since the salary-grant is being released by the Government, the proposal will have to be made to the Government by the respondent - management. If the said proposal is sanctioned, the back wages would be payable to the Petitioner. In the event, the said proposal is not sanctioned by the Government, there is no liability on the Respondent- institution with regard to payment of the back wages to the Petitioner. We find that Minutes of Order are proper and therefore, the same are accepted.

3. The Letters Patent Appeal is disposed of in terms of the said Minutes of Order.

4. There shall be no order as to costs.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/